IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 22562 of 2004

Between:

Smt. B. Kamalal Kumari W/o B. Seetha Reddy
R/o Pamarru, Pamarru Mandal, Krishna District

... PETITIONER

AND

1 The Collector, Krishna (Panchayat Division), Mathilipatnam, Krishna District
2 The District Panchayat Officer, Machilipatnam, Krishna District
3 The Divisional Panchayat Officer, Gudivada,Krishna District
4 Sri Rekapally Krishna Vasu S/o
12th Ward Member, Pamarru Gram Panchayat, Pamarru, Krishna District
5 The District Treasury Officer, Machilipatnam, Krishna District
6 The Manager, State Bank of India, Pamarru Branch, Pamarru, Krishna District
7 The Sub-Treasury Officer, Pamarru Pamarru Mandal, Krishna District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly, one in the nature of writ of Mandamus declaring the impugned Proceeding R.C. No 2975/02 Pts-5 dated 13.11.2004 and consequential Proceedings R.C No.2975/02, Pts-5 dt.1.12.2004 issued by 1st respondent as illegal arbitrary and in violation of the Principles of natural justice and consequently set aside the same.

Counsel for the Petitioner: MR.CHAMAVENKATA REDDY

Counsel for the Respondents 1 to 3, 5 & 7: G.P. for Panchayat Raj

Counsel for the Respondent No.4: MR.DANTU.SRINIVAS
Counsel for the Respondent No.6: -

The Court, at the admission stage, made the following:

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents and with their consent, the writ petition is being disposed of finally at the admission stage.

2. As against the impugned order passed by the first respondent in Rc.No.2975/2002, Pan.5 dated 30-11-2004, it is submitted by the learned Government Pleader and admitted by the learned counsel for the petitioner that an effective alternative remedy by way of appeal is available to the petitioner before the Government.

3. Inasmuch alternative remedy by way of appeal is available to the petitioner against the impugned order; I deem it appropriate to dispose of the writ petition with the following directions:

4. The petitioner is at liberty to file appeal before the Government, challenging the impugned order passed by the first respondent – District Collector, within a period of two weeks. On filing such appeal, the Government is directed to consider and pass appropriate orders on the appeal filed by the petitioner. Till appropriate orders are passed on the appeal that may be filed by the petitioner, *status quo* obtaining as on today shall be maintained.

The writ petition is accordingly disposed of at the admission

stage.

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N.V. RAMANA, J

December 7, 2004

NOTE: Furnish by wire at parties' costs.

(B/o)

MRR/KSR

To:

1 The Collector, Krishna (Panchayat Division), Mathilipatnam, Krishna District
2 The District Panchayat Officer, Machilipatnam, Krishna District
3 The Divisional Panchayat Officer, Gudivada,Krishna District
4 The District Treasury Officer, Machilipatnam, Krishna District
5 The Manager, State Bank of India, Pamarru Branch, Pamarru, Krishna District
6 The Sub-Treasury Officer, Pamarru Pamarru Mandal, Krishna District

7 Two C.D. Copies.

8 Two C.C. s to the G.P. for Panchayat Raj, High Court of A.P., Hyderabad

(OUT)